

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 11, 2018
5:30 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert, Oates, and Wohleben.

Absent: Alderman Farrell

MAYOR'S UPDATE

RECESS

Recess for public input.

041118.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of March 21, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

3/27/18 Robert Bragg, 536 Willow Street, Lockport, NY- appointed as a member of the Planning and Zoning Board. Said term expires October 14, 2020.
Received and filed.

3/27/18 Daniel J. Stapleton, 5901 Collins Drive, Lockport, NY- appointed as a member of the Environmental Advisory Committee. Said term expires March 27, 2020.
Received and filed.

3/27/18 Greg Sutton, 47 Jesson Parkway, Lockport, NY – appointed as a member of the Environmental Advisory Committee. Said term expires March 27, 2020.
Received and filed.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

3/22/18 Kyle and Dawn Lambalzer, Matthew and Danielle Warchocki, 2018 Lockport in Bloom Committee- request permission to hold there 14th Annual Garden Walk on July 14th and 15th. Also request permission to install a banner and signage promoting same. Referred to the Committee of the Whole.

3/28/18 Heather M. McKeever, Executive Director Cystic Fibrosis Foundation- request permission to use Wide Waters Pavilion for their Great Strides Walk on May 19th. Referred to the Committee of the Whole.

4/2/18 Jennifer Murphy, Race for Fitness Chair DeSales Catholic School- request permission to use part of the City sidewalk/streets for their race course on May 5th. Referred to the Committee of the Whole.

4/5/18 Rachel Sandle-Sacco, YWCA of the Niagara Frontier- request permission to hold their Walk a Mile in Her Shoes event on April 21st. Referred to the Committee of the Whole.

Notice of Defect:

3/27/18 Patricia Chutko – trees various locations
3/28/18 484 & 488 Prospect Street – trees

Referred to the Director of Streets and Parks.

Notice of Claim:

3/22/18 Pastor Edgar DeLeon, 32 W. High Street, Lockport, NY
Referred to the Corporation Counsel.

3/26/18 Nicole Jordan, 53 Washington Street, Lockport, NY
Referred to the Corporation Counsel.

3/27/18 Nicole Jordan as PNG of Aviana Jordan, 53 Washington Street, Lockport, NY
Referred to the Corporation Counsel.

3/29/18 Kaitlin M. Walker, 317 Washburn Street Apt. D, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

041118.2

By Alderman Wohleben:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on April 13, 2018 as follows:

General Fund	Fund A	\$ 73,531.58
Water Fund	Fund FX	\$ 18,295.92
Sewer Fund	Fund G	\$ 14,916.53
Self Insurance	Fund MS	\$ 51,877.05
Worker's Comp	Fund S	\$ 7,500.00
Payroll	Pay Date 3/29/18	\$ 460,159.47

Seconded by Alderman Oates and adopted. Ayes 5.

041118.3

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
James M. Nunnari	30	Chief Operator WWTP
Douglas E. Sibolski	30	Asst. Chief Operator WWTP
Ronald B. Dernbach	15	Senior WWTP Operator
Dennis McNamara	15	Chief Water Treat. Plant Operator
Kristen M. Schubring	10	Senior Acct Clerk
Mark J. Haenle, II	10	Tree Trimmer

Seconded by Alderman Devine and adopted. Ayes 5.

041118.4

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of April 18, 2018 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by Joseph Taylor, for approval to utilize the existing building at 174 Walnut Street for a fitness club situated in a B-2 Zone, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Eggert and adopted. Ayes 5.

041118.5

By Alderman Wohleben:

Resolved, that pursuant to their request, the Lockport in Bloom committee is hereby granted permission to conduct their 14th annual Lockport In Bloom "City Garden Tour 2018" event the weekend of Saturday, July 14th and Sunday, July 15th, 2018 from 10:00 a.m. to 4:00 p.m., and from 6:30 – 9:00 pm on Saturday, July 14th, and be it further

Resolved, that permission is also granted to hang signs advertising the event on the three Historic Lockport entrance signs beginning June 25th to July 13th and to erect 18" X 24" Lockport in Bloom garden signs in Ida Fritz Park, Locust Street Park, Children's Memorial Park and Veteran's Memorial Park, and be it further

Resolved, that permission is hereby granted to erect a vinyl banner across East Avenue at Davison Road at least 17 feet from the ground to promote Lockport in Bloom weekend.

Banners are to be erected for a minimum of two weeks prior to the event based on a schedule approved by the City Clerk, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements to erect the banner.

Seconded by Alderman Oates and adopted. Ayes 5.

041118.6

By Alderman Oates:

Resolved, that pursuant to their request, the Cystic Fibrosis Foundation is hereby granted permission to use the pavilion at Nelson C. Goehle Park for their annual Great Strides Walk Event on Saturday, May 19, 2018.

Seconded by Alderman Devine and adopted. Ayes 5.

041118.7

By Alderman Wohleben:

Resolved, that in accordance with Section 11-C of the New York Domestic Relations Law, the Common Council of the City of Lockport appoints Richelle J. Pasceri as a Marriage Officer for the City of Lockport for her term of office.

Seconded by Alderman Abbott and adopted. Ayes 5.

041118.8

By Alderman Abbott:

Resolved, that the Common Council hereby creates a new Ad Hoc Committee: "Tree Advisory Committee" and that the Mayor in accordance with the City Charter appoint not less than three members to same Committee.

Seconded by Alderman Eggert and adopted. Ayes 5.

041118.9

By Alderman Eggert:

Whereas, Section C-45 of the city charter requires employees to become a resident of the City of Lockport within six months of the commencement of service, and

Whereas, Section C-45 (8) (a) permits a waiver of the residency requirement in instances where the City of Lockport has difficulty hiring the most qualified person because of its residency requirements, and

Whereas, the Mayor and Common Council have determined that it is in the best interest of the city to waive the residency requirement for Carrie Gugliuzza for the position of Program Administrator (Community Development) effective April 27, 2018, now therefore be it

Resolved, that the Mayor and Common Council having considered all of the aspects of the residency requirement and for the reason of lack of qualified candidates within the City limits hereby determines that Carrie Gugliuzza shall be exempt from said residency requirement for the position of Program Administrator for the City of Lockport Community Development Department.

Seconded by Alderman Abbott and adopted. Ayes 4, Alderman Devine abstained.

041118.10 WITHDRAWN (Fact Finders Report)

041118.11

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to DeSales Catholic School to conduct their Annual DeSales Race for Fitness, a 5K run and a 1 mile fun run, on Saturday, May 5, 2018 beginning at 10:00 a.m. subject to approval of the race route by the Police Chief, and filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and street closed signs to the area prior to the event.

Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Devine:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Wohleben and adopted. Ayes 5.

041118.12

By Alderman Wohleben:

Whereas; the City of Lockport desires to establish a safe and accessible community by improving bicycle and pedestrian friendliness through consistent public realm design standards to revitalized mixed-use neighborhoods, and

Whereas; The City of Lockport desires to plan for, design, construct, operate and maintain appropriate facilities for all transportation users in all new construction, retrofit and reconstruction projects, and

Whereas; Streets that integrate multiple transportation choices for pedestrians, bicyclists, and transit, with special consideration for children, the elderly and people with disabilities, contribute to the public life of a community, sustainable economic development and efficient movement of people and goods, and

Whereas; The City of Lockport desires to the maximum extent practical, scope, plan, design, construct, operate and maintain all streets to provide a comprehensive and integrated network of facilities for all users of all abilities, and

Whereas; Any exception to applying this Complete Streets Policy to a specific roadway project must be approved by the Lockport City Council with documentation of the reason for the exception. Exceptions may be made when the project involves a roadway on which non-motorized use is prohibited by law. In this case, an effort shall be made to accommodate pedestrians and bicyclists elsewhere, and

Whereas; This policy will create a comprehensive, integrated, connected transportation network for the City of Lockport that balances access, mobility, health and safety needs for all residents. Planning, funding, designing, constructing, managing and maintaining a complete multi-modal network, ensures this, and

Whereas; It is the intent of this policy to foster partnerships with the State of New York, Niagara County, Lockport School District, citizens, businesses, interest groups and neighborhoods to implement complete streets, and

Whereas; The City of Lockport shall adapt, develop and adopt departmental policies, design criteria, standards and guidelines based upon recognized best practices in street design, construction and operations including but not limited to the latest editions of American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets; AASHTO Guide for Planning, Designing, and Operating Pedestrian Facilities; AASHTO Guide for the Development of Bicycle Facilities; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide; U.S. Access Board Public Right-of-Way Accessibility Guidelines; Highway Capacity Manual and Highway Safety Manual, and

Whereas; The implementation of this policy shall reflect the context and character of the surrounding built and natural environments while enhancing the appearance of such. In doing so, the City of Lockport shall consider methods of providing development flexibility within safe design parameters such as context-sensitive design solutions and shall attempt to employ all solutions consistent with and sensitive to the context of the project, and

Whereas; Complete Streets should be continuously evaluated for success and opportunities for improvement sought. This policy encourages the regular evaluation and reporting of implementing complete streets through the following performance measures:

- 1) Increase in the share of bicycles, pedestrians and transit users;
- 2) Crash data;
- 3) Use of new projects by mode;
- 4) Compliments and complaints;
- 5) Linear feet of pedestrian accommodations built;
- 6) Number of ADA accommodations built;
- 7) Miles of bike lanes/trails built or striped;
- 8) Number of transit accessibility accommodations built;
- 9) Number of street trees planted;
- 10) Number of building permits issued along new complete street;
- 11) Number of exemptions from this policy.

NOW, THEREFORE, BE IT

RESOLVED, that the City of Lockport shall implement the following steps to ensure successful implementation of complete streets:

Advisory Board: The City of Lockport will establish an interdepartmental advisory board to oversee the implementation of this policy. The committee should include members of various constituencies, including the Lockport City Council, the Lockport Planning and Community Development Departments, the Lockport School District, the New York State Department of Transportation and the Lockport Police Department as well as representatives from bicycling, pedestrian, disabled, youth and elderly communities or any other organizations as deemed relevant. This committee will meet quarterly and provide a written report to the Mayor of Lockport evaluating progress and advising on implementation.

- 1) Inventory: The City of Lockport will maintain a comprehensive inventory of the pedestrian and bicycle infrastructure and will

prioritize projects to eliminate gaps in the sidewalk and bikeway networks.

- 2) Capital Improvement and Maintenance Project Prioritization: The City of Lockport will reevaluate capital improvement and maintenance project prioritization annually to encourage implementation of pedestrian and bicycle improvements.
- 3) Revisions to Existing Plans and Policies: The City of Lockport will incorporate complete street principles into the comprehensive plan, zoning code and other plans and manual, rules, regulations and programs.
- 4) Other Plans: The City of Lockport will prepare, implement and maintain a Bicycle and Pedestrian Transportation Plan, a Safe Routes to School Plan, an Americans with Disabilities Act Transition Plan, and a Street Tree and Landscape Plan.
- 5) Storm Water Management: The City of Lockport will prepare and implement a plan to transition to sustainable storm water management techniques along our streets.
- 6) Staff Training: The City of Lockport will train all pertinent staff on the content of the complete streets principles and best practices for implementing the policy.
- 7) Coordination: The City of Lockport will utilize inter-departmental project coordination to promote the most responsible and efficient use of fiscal resources for activities that occur within the public right of way.
- 8) Street Manual: The City of Lockport will create and adopt a Complete Streets Design Manual to support implementation of this policy.
- 9) Funding: The City of Lockport will actively seek sources of appropriate funding to implement complete streets.

Seconded by Alderman Eggert and adopted. Ayes 5.

By Alderman Devine:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Wohleben and adopted. Ayes 5.

041118.13

By Alderman Wohleben:

Whereas, the City of Lockport believes in Home Rule and should be able to determine the most preferable way to pay for service to promote tourism; and

Whereas, the City of Lockport sees an advantage to an additional 1% increase of the current Bed Tax to aid and promote tourism in the City of Lockport and Niagara County; and

Whereas, the City of Lockport has an opportunity to assist the Niagara Falls National Heritage Area in its operation of the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29 § 1201-d(a) authority to impose tax; and

Whereas, the Discover Niagara Shuttle Service presently serves the City of Niagara Falls, and along the Niagara River Corridor to the Village of Youngstown; and

Whereas, the City of Lockport anticipates several benefits to an additional 1% increase of the current Bed Tax, which would include:

1. Promote tourism by the ease of transportation to and from all the tourist sites in the City of Niagara, Town of Lewiston, Village of Youngstown and in the future the City of Lockport and City of North Tonawanda;
2. Increase Shuttle connections to the City of Lockport and City of North Tonawanda;
3. Relieve congestion of tourism traffic on the roads, parking, and provide a scenic commute throughout the existing City of Lockport and Niagara County tourist locations and

Whereas, there are several attractions in the City of Lockport: The Flight of Five Locks, Lockport Discovery Center, and the Lockport Caves. Also, attractions in the City of North Tonawanda: The Carousel Factory Museum and the Canal Fest. Thus, the shuttle service would promote these attractions. Now, therefore be it

Resolved, that the City of Lockport Common Council requests the State of New York Legislature to draft companion bills for the purposes of increasing the existing Bed Tax by 1% designated specifically to the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29 § 1201-d(a) authority to impose tax: and be it further

Resolved, that the drafting of this legislation on the State level would provide the City of Lockport the option of passing a Home Rule Message in support of such legislation; and be it further

Resolved, that subsequent to the State's adoption, the City of Lockport would have an opportunity to present a local law which would call for action to allow the City of Lockport residents and visitors, easy, comfortable transportation between the City of Lockport and Niagara County attractions; and be it further

Resolved, that the City Council of the City of Lockport respectfully requests that the New York State Senate and Assembly submit companion bills that would pave the way for the City of Lockport Local Law and Public Hearing and that copies of this resolution be sent immediately to the City of Lockport's state representatives.

Seconded by Alderman Abbott and adopted. Ayes 5.

041118.14

By Alderman Abbott:

Resolved, that pursuant to their request, #MSSUCKS is hereby granted permission to conduct a 5K run and barricade Vine Street from Walnut Street to Remick Parkway starting at approximately noon on May 6, 2018, subject to #MSSUCKS filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to approval of the race route by the Police Chief, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades to said area prior to the event.

Seconded by Alderman Oates and adopted. Ayes 5.

041118.15

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the YWCA of Niagara to conduct a "Walk a Mile in Her Shoes" fundraising event on Saturday, April 21, 2018 beginning at 10:00 a.m. at the YWCA of Niagara, subject to approval of the walk route by the Police chief and filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event.

Seconded by Alderman Wohleben and adopted. Ayes 5.

041118.15A

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Joan Abbott, a retired City of Lockport Crossing Guard who recently passed away.

Seconded by Alderman Wohleben and adopted. Ayes 5.

041118.15B

By Alderman Wohleben:

Whereas, the City of Lockport Received correspondence from the United States Environmental Protection Agency ("EPA) seeking consent to enter Upson Park and 501 West Jackson Street to collect soil samples, and

Whereas, the EPA plans to begin work in the Spring of 2018, and

Whereas, the EPA included the above sites in the National Priorities List of hazardous waste sites for remediation; Now, therefore, be it

Resolved, the Mayor be and is hereby authorized to execute Consent for Access to Upson Park and 501 West Jackson Street for the above stated purposes.

Seconded by Alderman Oates and adopted. Ayes 5.

041118.

ADJOURNMENT

At 5:57 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 18, 2018.
Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk